

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

SHANNON CHARLES FERGUSON CASE NO. 6:21-CV-00691 SEC P

VERSUS

JUDGE JUNEAU

DARRELL VANNOY


MAGISTRATE JUDGE WHITEHURST

JUDGMENT

THIS MATTER was referred to United States Magistrate Judge Carol B. Whitehurst for report and recommendation, Rec. Doc. 7. After an independent review of the record and the applicable law, including the Petitioner's objection, the Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Because the Petitioner did not obtain a Certificate of Appealability from the Court of Appeals before filing his petition, this Court lacks jurisdiction over this matter and thus cannot consider the merits of the Petitioner's claims or grant the pending motion for extension of time. If the Petitioner successfully obtains a Certificate of Appealability, he may refile his petition in this Court. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation, the Petition for a Writ of Habeas Corpus, Rec. Doc. 1, is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. The Motion for Extension of Time, Rec. Doc. 9, is likewise **DENIED**.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 18th day of
August, 2021.



MICHAEL J. JUNEAU
UNITED STATES DISTRICT JUDGE